

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DERRICK LEE SMITH,

Petitioner,

Case No. 1:21-cv-921

v.

Honorable Ray Kent

JAMES SCHIEBNER,

Respondent.

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**ORDER TO FILE AMENDED PETITION**

This is a habeas corpus action brought by a state prisoner under 28 U.S.C. § 2254.

All applications for habeas corpus relief must be submitted on the form petition provided by this Court. *See Rule 2(d), Rules Governing § 2254 Cases; W.D. Mich. LCivR 5.6(a).* Petitioner failed to file his petition on the requisite form.

If Petitioner wishes to proceed with his action, he must carefully fill out the form and submit it to the Court. The Court directs the Clerk to send to Petitioner a copy of the form petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. Petitioner shall submit an amended petition by filing his habeas petition on the requisite form within 28 days from the date of entry of this order. The case number shown above must appear on the front page of the amended petition. Petitioner must file an original and one complete copy of the amended petition and any new attachments. Petitioner need not re-submit supporting materials filed with the original petition. Because the amended petition will take the place of the original petition, the amended petition must set forth all of the grounds for relief that Petitioner intends to raise.

If Petitioner fails to submit an amended petition in proper form within the time allowed, the petition may be dismissed without prejudice by the Court.

**IT IS SO ORDERED.**

Dated: November 9, 2021

/s/ Ray Kent  
Ray Kent  
United States Magistrate Judge